

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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LEVERN ALLEN,

Plaintiff,

vs.

YOUR BABY CAN LLC, et al.,

Defendant.

2:10-CV-1808-PMP-RJJ

ORDER

Before the Court for consideration is Plaintiff Levern Allen's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. #1). On December 9, 2010, the Honorable Robert J. Johnston United States Magistrate Judge, entered a Report and Recommendation (Doc. #4) recommending that Plaintiff Allen's application (Doc. #1) should be denied.

On October 26, 2010, the Court issued an Order (Doc. #2) scheduling a Status Hearing for November 18, 2010. Notice of the hearing was served on Plaintiff Allen by Certified Mail Return Receipt. The certified Letter was delivered and signed for by Plaintiff or his designated representative on October 28, 2010. Plaintiff failed to appear for the Status Hearing on November 18, 2010. Further Plaintiff failed to contact the Court to reschedule said hearing or to provide the Court with a reason for his non-appearance.

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1 The Court has conducted a de novo review of the record in this case in
2 accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2 and determines that
3 Magistrate Judge Johnston's Report and Recommendation should be Affirmed.

4 **IT IS THEREFORE ORDERED** that Magistrate Judge Johnston's
5 Report and Recommendation (Doc. #4) are Affirmed and Plaintiff Levern Allen's
6 case is hereby **DISMISSED** with prejudice.

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8 DATED: December 20, 2010.

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PHILIP M. PRO
12 United States District Judge
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